

RESPONSE TO RESTRICTION REQUIREMENT

Serial No.: 10/714,580
Filed: November 14, 2003
Title: ANTIMICROBIAL ACTIVITY OF ANTIBODIES

Page 8
Docket No: 1361.027US1

REMARKS

Claim 40 has been amended by addition of “(i)” and “(ii)” to clarify the subject matter therein. Applicant submits that this amendment does not add new matter and does not affect the scope of the claim.

In the Restriction Requirement mailed October 7, 2005, the Examiner has restricted the claims to one of the following inventions under 35 U.S.C. §121:

- I. Claims 1-20, drawn to an anti-microbial composition, classified in class 424, subclass 53.
- II. Claims 21-39, drawn to a method of treating a microbial infection in a mammal, classified in class 424, subclass 184.1.
- III. Claims 40-47, drawn to a method of generating a reactive oxygen species, classified in class 436, subclass 512.

Applicant provisionally elects, with traverse, Group III (claims 40-47). The Restriction Requirement is traversed on the basis that Restriction Requirements are optional in all cases (M.P.E.P. § 803). If the search and examination of an entire application can be made without serious burden, the Examiner must examine the application on the merits, even though it includes claims to distinct or independent inventions. M.P.E.P. § 803. Applicant submits that a search of all three groups would not be so burdensome as the Examiner alleges.

If the Examiner does not withdraw or modify the Requirement for Restriction, Applicant respectfully requests that the Examiner consider the unelected claims after allowance of a generic claim relating to the elected claims. Applicant further reserves the right to reintroduce the unelected claims in one or more divisional applications at a later date.